

communist Chinese Government and its intelligence services. Patrick Ho was also charged and convicted of international bribery and money laundering offenses relating to his work for companies connected to that communist regime.

After his arrest, his first call was reportedly to James Biden, President Biden's brother. Hunter Biden reportedly represented Patrick Ho for \$1 million.

In our letter, we noted that a Justice Department Federal court filing said DOJ had FISA information on Patrick Ho. Not only did they possess this information, the Department informed the court that they intended to use it to prosecute that person.

Senator JOHNSON and I asked the Justice Department for that FISA information as well as FISA information for other Chinese nationals linked to Hunter Biden. In response, I quote the Justice Department:

Unfortunately, under the circumstances described in your letter, we aren't in a position to confirm the existence of the information that is sought (if it exists in the Department's possession).

Now, get that—"if it exists in the Department's possession."

Simply put, that is not a true and accurate statement unless the Department's statement to the Federal court in the Patrick Ho matter wasn't true and accurate.

So, then, as we naturally followed up, on November 15, 2021, we asked Attorney General Garland to explain the discrepancy. No response to this very day.

Both statements can't be true. Either the Department possesses the information or it doesn't possess the information.

So we can legitimately ask Attorney General Garland again: What is your answer?

Now, this doesn't end there with that question. On February 3, 2021, and March 9, 2021, Senator JOHNSON and I asked Attorney General Garland if Nicholas McQuaid is recused from the Hunter Biden criminal case. Now, this McQuaid works in the Department's Criminal Division but worked with Hunter Biden's criminal attorneys before joining the Department. This poses a clear conflict of interest. Attorney General Garland has refused to answer to this very day.

On June 29, 2021, Senator JOHNSON and I asked Attorney General Garland whether Susan Hennessey, a National Security Division employee, is recused from the Durham investigation. Before working for the Department, she made negative comments about the Durham investigation.

In Attorney General Garland's July 13, 2021, response letter, he failed to answer our questions. However, at the Senate Judiciary Committee's oversight hearing October 27, 2021, the Attorney General said she "has nothing whatsoever to do with the Durham investigation."

Although this statement doesn't fully answer our questions, such as

whether she has been formally recused from the matter, it is more than what we were provided in the Department's letter response.

Likewise, the Justice Department said that Margaret Goodlander "has no role in Mr. Durham's investigation." She is married to Biden's National Security Advisor, Jake Sullivan. Sullivan worked for the Clinton Presidential campaign. While there, he peddled the false Alfa-Bank story about the Trump Organization having a secret back channel to this Russian bank. Those false allegations were reviewed as part of Crossfire Hurricane.

Now, with all that said, let's take stock of where we are. On the one hand, Attorney General Garland has publicly said Susan Hennessey and Margaret Goodlander have no roles in the Durham investigation. On the other hand, Attorney General Garland refuses to say the same for McQuaid and the Hunter Biden criminal investigation.

So we can really ask, "Why is it that way? Why won't the Attorney General say that McQuaid has no role in the criminal case involving the President's son?" because this is a fundamental ethical question.

Our letters have provided Attorney General Garland the opportunity to hit the ball right out of the park. Instead, he doesn't even try to make a swing.

What is the Biden Justice Department hiding? This blatantly inconsistent treatment has cast a cloud over Hunter Biden's criminal case.

Just imagine if this fact pattern had evolved between President Trump and his sons. The media would have gone nuts over it. You wouldn't hear the end of it—also from my Democratic colleagues here in the Senate. Yet not a sound from them, not a peep.

The American people are rightly skeptical of how the Justice Department is handling the Hunter Biden criminal investigation. And the secrecy and the lack of public transparency will only increase the skepticism that the American people have.

So I and Senator JOHNSON won't stop doing good government oversight on this issue. The American people deserve answers, one way or another.

#### COUNTERFEITS

Madam President, on another point and a shorter point, I would like to take a moment to update my colleagues on a bill that I introduced in 2021 designed to fight counterfeits.

As we all know, counterfeits are a threat to the U.S. economic and national security interests. Most counterfeits originate in China, one of our largest competitors. Counterfeits are dangerous to consumers. And, lastly, counterfeits rip off American ingenuity and result in billions of dollars in losses.

For these reasons, Congress must ensure the Federal Government arms its partners with the tools and the resources that these people need to combat the bad guys who sell these fake goods.

My bill has the number S. 1159, and it does just that. It gives the partners the tools and resources they need to combat the bad guys. Now, it happens that S. 1159 was incorporated in the United States Innovation and Competition Act of 2021 that passed this Senate on a very bipartisan vote. The bill with that title, Innovation and Competition Act, was an effort, in a bipartisan way, to crack down on China.

Now, the bill that I am telling you I cosponsored and is part of that gives our U.S. Customs and Border Protection, CBP, authority to share more information with the private sector on counterfeits identified at the border. It also gives Customs and Border Protection the authority to share information with other parties, like e-commerce parties and shipping carriers.

Sharing information then creates a more secure trade ecosystem that keeps counterfeits out of our country. This is good, commonsense policy.

Now, my colleagues may be asking themselves: Why is this really needed? Well, Customs and Border Protection believes that the Trade Secrets Act keeps this Agency from sharing certain types of information with the private sector. This keeps American companies, then, in the dark and prevents these companies from pursuing the bad guys who rip them off.

Indeed, companies have repeatedly told me that if they just had more information from the Federal Government, they would and could keep more counterfeits out of the United States. So my bill removes this barrier and specifically gives Customs and Border Protection the authority that it needs to share information with the private sector.

Now, here is the icing on the cake. Recently, Customs and Border Protection confirmed that my bill would resolve their concerns about violating the Trade Secrets Act and would permit the sharing of more information on counterfeits.

A few weeks ago, the Congressional Budget Office confirmed that my bill will cost absolutely nothing. So good government legislation that costs the taxpayers zero dollars ought to not raise any questions when it protects the consumer and protects our businesspeople. That is what I like to call a slam dunk, and I hope my colleagues will join me in making sure that it gets passed this Congress.

Now, since this has become an issue in the House of Representatives, I hope that the House wakes up to this commonsense policy being included in the China package as negotiations continue because they left it out in the version that has come to the House floor now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RESEARCH AND DEVELOPMENT

Ms. CANTWELL. Madam President, I come to the floor because this week, hopefully, our House colleagues will be taking up legislation that they have named America COMPETES. My colleague was just here on the Senate floor talking about the legislation we passed last year, and we are glad our colleagues are finally addressing this in the House of Representatives.

I said “glad” they are “addressing”—we are happy about that because, between 1996 and 2015, federally funded research led to over \$1 trillion in economic growth and millions of new jobs. So we know that when we invest, we see a big return in our economy.

What we know, however, is that R&D investment is at its lowest point in nearly 45 years, as measured as a percentage of GDP. That is where we have been going. And the rest of the world isn't waiting.

Overall, U.S. R&D spending places us ninth globally, behind advanced economies like South Korea, Japan, and Germany, and far below the fifth place ranking that we held in the 1990s.

So this is why we need to do something, and that is why we passed what was called the United States Innovation and Competition Act last year and why we encouraged our colleagues to take it up. There is a competition for global leadership in technology in a range of areas—semiconductors, manufacturing, artificial intelligence, low-Earth orbit satellites. And there are countries that are very eager to make investments to try to capture those jobs that I mentioned that come as a result of investment in technology.

We know that we tried to solve this problem before; that is, to stay competitive. We passed an America COMPETES Act in 2007, and we passed one in 2010. And we were trying to stay competitive with changing economies and the information age that we now are in. These acts were intended to double the key research accounts at the National Science Foundation and the Department of Energy, but, unfortunately, the appropriations authorized did not materialize. In large part, we had a 2008 recession and subsequent fiscal sequestration, and we reduced the NSF and DOE budgets.

So we had the right idea. We had a year or so of activity that really tried to get us on the right track, and then fiscal issues put us behind.

So job openings today and the opportunities for us to grow our economy by making this investment are just monumental. And that is why we hope that this is a bipartisan effort by the Senate and, ultimately, a bipartisan effort by the House to come together to make the investments to help fill these jobs of the future.

Job openings in computer science occupations are expected to exceed 1 million in the next few years, nearly 400,000 just in the area of cyber security alone.

The Wall Street Journal reported that planned growth in the U.S. semiconductor industry will require up to 90,000 more workers by 2025—90,000 more workers just in that 1 sector. And these are very well-paying jobs.

According to the National Science Board, the only way that the United States can fill the gaps in these STEM workers is to double the number of women in the STEM workforce and double the number of other underrepresented minorities in these jobs. And that is exactly what we are trying to do with this legislation.

On our manufacturing sector—which we have a very large manufacturing sector in the Northwest, driven by aerospace but also other forms of transportation, and it also includes small and medium-sized manufacturing—but one organization estimated that it will take up to \$250 billion over 10 years to help us upgrade our existing infrastructure in manufacturing and equipment to be competitive.

So that means we must do our part. Many of these industries will do their part. But on the R&D side, we must continue to do our part.

Other countries are investing heavily. On the semiconductor advanced manufacturing facilities, which are very, very expensive to build, we just heard of a major announcement by Intel a few weeks ago about their investment in the State of Ohio. These facilities can cost \$30 billion over 10 years, including \$20 billion in just the capital expenses. Other countries are making huge investments to help build cheaper foundries, anywhere from 30 to 50 percent of the investment in Asia.

So, as a result, over the last several decades, the United States has lost a big share of what they had in the semiconductor manufacturing chip sector, going from about 37 percent of the market for production from the United States down to 12 percent today.

So the United States must respond, and we must continue to make investments in these sectors. My colleagues, as we had this floor debate, will remember, we talked about a \$52 billion investment—an enormous amount of money. But I asked my colleagues who helped us get this legislation and those who weren't with us at that moment to consider this information: The semiconductor shortage cost vehicle manufacturers, just in 2021, \$210 billion. In 1 year, our shortage cost us \$210 billion.

So I think making this investment in chip production in the United States is critical. It is time we try again with our House colleagues. It is time that we engage in a bipartisan legislative process to get this legislation to the President's desk.

I know the House will consider many amendments on Friday when they are supposed to take up this bill. We in the Commerce Committee had over 230 amendments filed. We approved 130 amendments. We had a 6-hour markup. We had healthy debate on amendments, and then the Senate proceeded to an

open-floor debate and hundreds of amendments were filed here on the Senate floor.

So I encourage our colleagues in the House to have their amendments, to consider these ideas, and to come to an effort with us to get this legislation passed.

We know that this would be the largest 5-year commitment to public R&D in our Nation's history. We need it for the job growth. We need it to stay competitive.

This legislation would also make a \$15 billion investment in growing and diversifying that STEM workforce. As I said, given the large amount of job openings in this sector, we are not going to find the people to take them unless we are diversifying our workforce.

This would establish a Senate-confirmed position on improving STEM diversity and make sure that NSF and the investments we would make would help us not only assure diversity but geographic diversity within the United States.

This legislation would also create a first-of-a-kind NSF—National Science Foundation—tech directorate to help accelerate the development and translation of new technologies within the United States to the future and helping those jobs grow more quickly.

Now, I know a lot of people, probably at the beginning: If NSF was already doing a good job, if DOE was already doing a good job, why do we have to do something different?

Well, the issue is the United States is producing a lot of R&D, and that R&D is being used by other people. It is actually documented public information that ends up getting used and translated by somebody else hungrier, faster moving, with opportunity, and thereby getting translated. So this bill addresses that. This bill, with the creation of a tech directorate, is about accelerating the R&D that we do and turning it into real manufacturing at a faster rate.

We call this tech transfer. And if you have any kind of university in your State, you know exactly what I am talking about, and these universities play a key role in tech transfer. In fact, tech transfer in this realm of university has been responsible for about 4 million jobs over the last 20 years, I think it is—the last 20 years. So these are big investments that they have supported. They have supported over 4 million jobs.

So USICA would make an investment of 17 billion in the Department of Energy and authorize the tripling of the manufacturing extension partnership to help with those manufacturing opportunities and also make investments in tech hubs to help create private sector investment and the same kind of workforce opportunities for the future.

As I mentioned, the announcement by Intel in Ohio to build a new foundry and the expensive cost of building a new foundry was interesting news because it wasn't in the same places that